



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: David A. Johnson, Director
Department of Conservation and Recreation

FROM: Elizabeth A. Andrews
Senior Assistant Attorney General

DATE: March 1, 2012

RE: Proposed Fast Track Rulemaking: Amendments to 4 VAC 50-20,
Virginia Impounding Structure Regulations

I have reviewed the proposed amendments to the Virginia Impounding Structure Regulations [“the Regulations”] to make various changes in response to requirements placed in the Code of Virginia during the last several General Assembly Sessions. It is my opinion as agency counsel that the Soil and Water Conservation Board has the statutory authority to promulgate these amendments to the Regulations pursuant to Article 2 of Chapter 6 of Title 10.1 of the Code of Virginia.

If I may be of further assistance, please advise.

cc: David C. Dowling